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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 DEBORAH HOGUE,

11 Plaintiff(s),

12 v.

13 COMMISSIONER OF SOCIAL SECURITY
14 ADMINISTRATION,

15 Defendant(s).

Case No. 2:17-cv-03107-GMN-NJK

ORDER

(Docket No. 1)

16 Plaintiff has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*. Docket
17 No. 1. In determining whether to permit a plaintiff to proceed *in forma pauperis*, the Court evaluates the
18 income and assets to which the plaintiff has access, including those of her spouse. *See, e.g., Flores v.*
19 *Colvin*, 2014 U.S. Dist. Lexis 93236, at *3-4 (D. Nev. May 22, 2014) (collecting cases). “If the plaintiff
20 is supported by her spouse, and her spouse is financially able to pay the costs of this appeal, it follows that
21 the plaintiff’s own lack of funds will not prevent her from gaining access to the courts.” *Monti v. McKeon*,
22 600 F. Supp. 112, 114 (D. Conn. 1984). The pending application makes clear that Plaintiff’s spouse’s
23 income of \$1342 more than covers their monthly expenses, but the application fails to adequately explain
24 the amount of those monthly expenses and any excess income. Docket No. 1 at 2. Similarly, it is not clear
25 to the Court if the lack of assets identified in the application (including no cash currently on hand) accounts
26 for assets held by the spouse that are accessible to Plaintiff. *See id.* Accordingly, the application to proceed
27 *in forma pauperis* is **DENIED** without prejudice.
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1 Any renewed application to proceed *in forma pauperis* must be made on **the long form** (AO 239)
2 to ensure that both Plaintiff's and her spouse's income, assets, and liabilities are properly considered. Any
3 such application shall be filed by January 18, 2018. Alternatively, Plaintiff may pay the filing fee by
4 January 18, 2018.

5 IT IS SO ORDERED.

6 Dated: January 4, 2018

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10 NANCY J. KOPPE
11 UNITED STATES MAGISTRATE JUDGE
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